

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #02017

DATE: September 4, 2002

PROPOSAL: Waive sidewalks on the west side of S. 70th Street adjacent Lots 1 & 2, Hickory Crest 4th Addition and within the pedestrian easement between Lots 1 & 2, Hickory Crest 4th Addition from King's Court to S. 70th Street.

CONCLUSION: There are no unusual circumstances that would warrant the approval of the waiver to sidewalk within the pedestrian easement or adjacent to Lot 2. Due to the retaining wall north of the subject area, a waiver to the sidewalk adjacent Lot 1 is acceptable.

<u>RECOMMENDATION</u>	Approval to waiving sidewalk adjacent Lot 1. Denial to the waiver of sidewalks within the pedestrian easement and adjacent Lot 2 along S. 70 th Street.
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 1 & 2, Hickory Crest 4th Addition, located in the SE 1/4 of Section 9, Township 9 North, Range 7 East, Lincoln, Lancaster County, Nebraska.

LOCATION: Old Cheney Rd. & S. 70th Street

APPLICANT: Susan J. Johnson
6801 Hickory Crest Rd.
Lincoln, NE 68516

OWNER: same as applicant

CONTACT: same as applicant

EXISTING ZONING: R-1 Residential

EXISTING LAND USE: Residential

SURROUNDING LAND USE AND ZONING:

North:	R-1 Residential	Single family residential
South:	R-3 Residential	Vacant
East:	R-1 Residential	Single family and two-family residential
West:	R-1 Residential	Single family residential

HISTORY:

July 1, 2002 Hawkswood Estates 1st Addition Preliminary Plat was approved by City Council.

January 15, 1997 Hickory Crest 4th Addition Final Plat was approved by Planning Commission.

July 29, 1994 City Council waived the requirement for sidewalks on the west side of S. 70th Street abutting Lots 5 & 6, Hickory Crest Addition.

May 18, 1992 Hickory Crest 1st Addition was approved by City Council.

February 10, 1986 Hickory Crest Addition was approved by City Council.

October 28, 1985 City Council waived the requirement for sidewalks on S. 70th Street south of Antler Dr. abutting Colonial Hills 11th Addition.

February 22, 1977 Colonial Hills 11th addition was approved by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan specifies this area as Urban Residential.

The Transportation section of the Community Form chapter of the 2025 Comprehensive Plan includes: “Interconnected networks of streets, trails and **sidewalks** should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents.” (page F18)

The Mobility and Transportation section of the 2025 Comprehensive Plan includes:
“Continuity-The sidewalk system should be complete and without gaps.” (page F89)

Guiding Principles for Existing Neighborhoods in the 2025 Comprehensive Plan include:
“Maintain and enhance infrastructure and services in existing neighborhood.”
(page F68)

TRAFFIC ANALYSIS: S. 70th St. and Old Cheney Rd. are arterial streets.

ANALYSIS:

1. This request is to waive the requirement for sidewalks. (Sec. 26.23.095)
2. There is no sidewalk from Antler Dr. south to Old Cheney Rd. on the west side of S. 70th Street.
3. Sidewalks were required along the west side of S. 70th Street from Antler Dr. south to Old Cheney Rd. with the approval of Colonial Hills 11th Addition, Hickory Crest Addition, Hickory Crest 1st Addition and Hickory Crest 4th Addition. Sidewalks were later waived by city council for Colonial Hills 11th Addition and Hickory Crest Addition.
4. Hawkswood Estates 1st Addition Preliminary Plat, located at the southwest corner of S. 70th Street & Old Cheney Rd., requires sidewalk along the west side of S. 70th Street.
5. A 10-foot wide bike path will be constructed on the north side of Old Cheney Rd. from Highway 2 to S. 70th Street as part of the street improvement project. The 2025 Comprehensive Plan shows this bike trail continuing along Old Cheney Rd. to S. 84th Street.
6. There is a retaining wall on the west side of S. 70th Street that ends just north of Hickory Crest 4th Addition.
7. Public Works Department recommends waiving the requirement for sidewalk along S. 70th Street adjacent Lot 1. Public Works **does not** support waiving the requirement for sidewalks along S. 70th Street adjacent Lot 2 or within the pedestrian walkway between Lots 1 & 2 from King’s Court to S. 70th Street.
8. Parks and Recreation Department **does not** support the waiver of sidewalks along S. 70th Street adjacent Lot 2 or within the pedestrian easement between Lots 1 and 2 from King’s Court to S. 70th Street.

9. The applicant states that a sidewalk heading north would run into a retaining wall and therefore is not needed. Planning staff agrees that a sidewalk leading north from the pedestrian easement is not needed because of the retaining wall.
10. The construction of the pedestrian walkway between Lots 1 & 2 and a sidewalk on S. 70th Street adjacent Lot 2 would provide residents in Hickory Crest subdivision a direct route to S. 70th Street & Old Cheney Rd. Without the pedestrian walkway, residents must use Hickory Crest Rd. to access Old Cheney Rd. The intersection of Old Cheney Rd. & Hickory Crest Rd. is approximately 700 feet west of the intersection of S. 70th Street & Old Cheney Rd.
11. There are no physical barriers along the pedestrian easement and along S. 70th Street adjacent Lot 2 that would prohibit the construction of sidewalks.
12. Due to the large lots, the homes can be situated more than the required 10' minimum setback from the pedestrian easement.

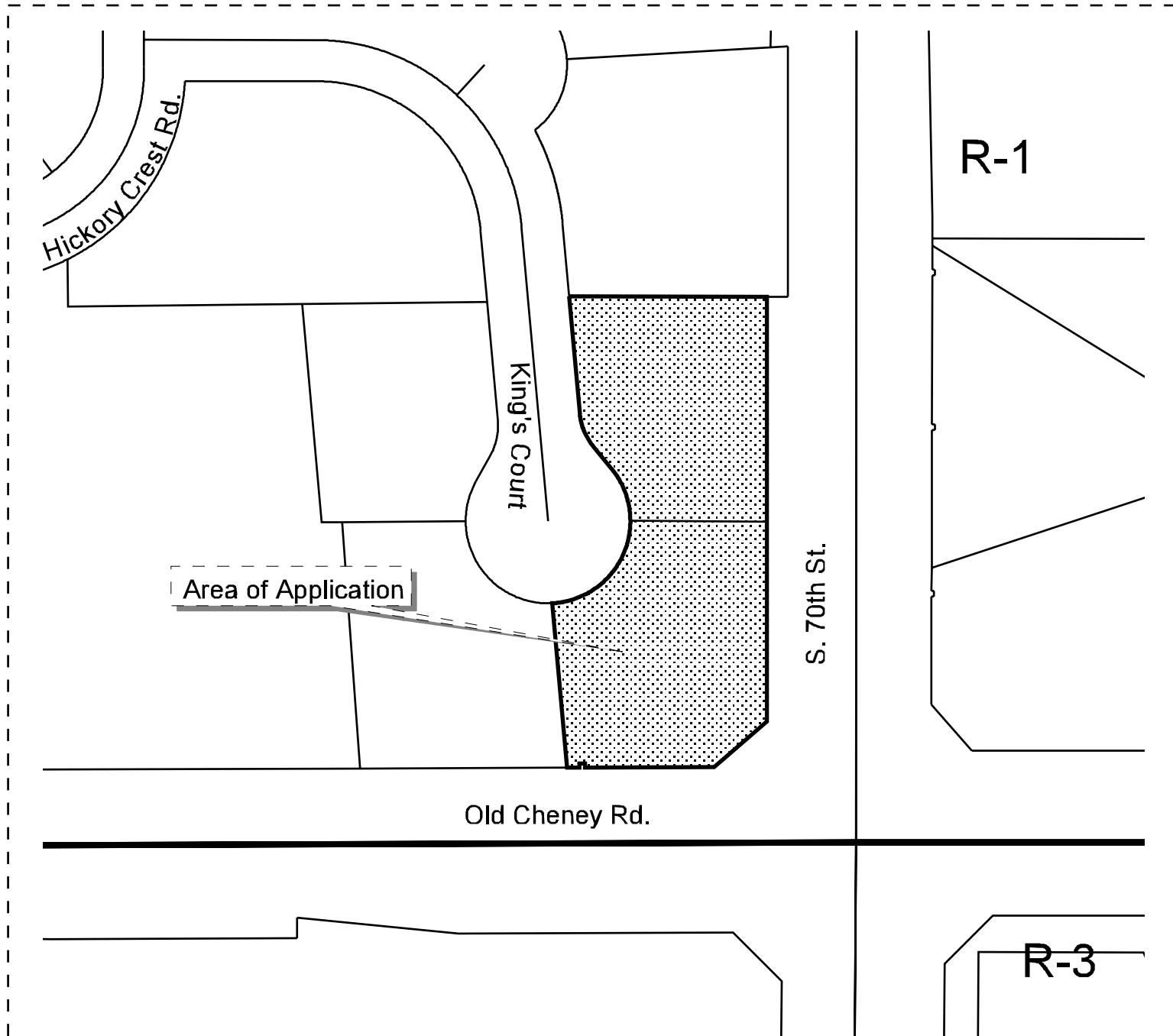
Prepared by:

Tom Cajka
Planner



Waiver of Design Standards #02017
S. 70th & Old Cheney Rd.



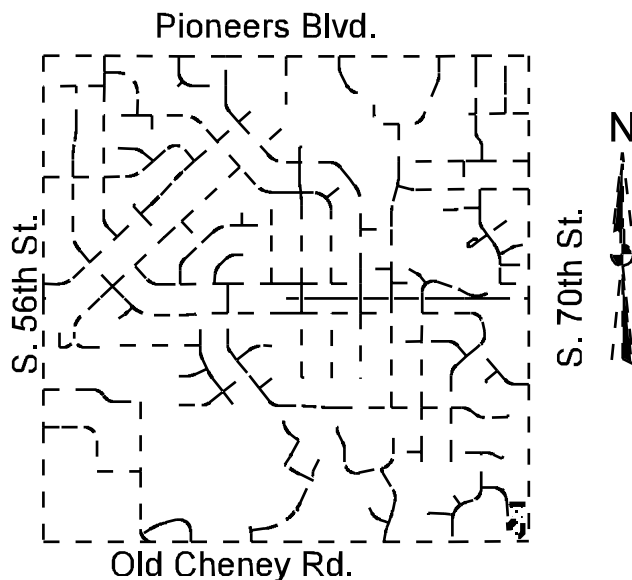
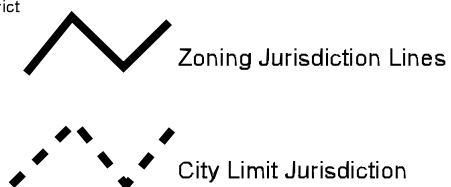


Waiver of Design Standards #02017 S. 70th & Old Cheney Rd.

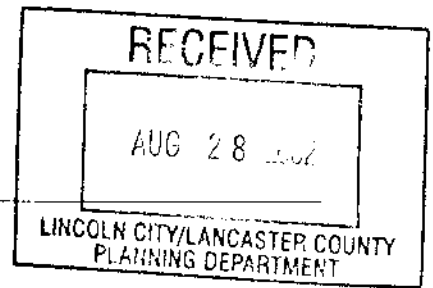
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Convervation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 9 T9N R7E



M e m o r a n d u m



To: Tom Cajka, Planning Dept.
From: BB Bruce Briney, Public Works and Utilities
Subject: Waiver of Design Standards #02017, Hickory Crest 4th Addition
Date: August 28, 2002
cc: Nicole Fleck-Tooze
Randy Hoskins
Doug Blum
Harry Kroos

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Application for Waiver of Design Standards #02017 for waiver of sidewalk and pedestrian walkway requirements in Hickory Crest 4th Addition and has the following comments:

- Public Works has no objection to waiving the requirement for sidewalk construction along South 70th Street adjacent to Lot 1.
- Public Works does not support a waiver of the requirement for sidewalk construction along South 70th Street adjacent to Lot 2.
- Public Works does not support a waiver of the requirement for construction of a pedestrian walkway between Lot 1 and Lot 2 from King's Court to South 70th Street.

Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: September 10, 2002

Re: Hickory Crest 4th Addition WDS 02017

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. Per requirements of the final plat, which depict a pedestrian easement running through lots 1 and 2, the request for a sidewalk running parallel to 70th street shall not be granted. However, the sidewalk is only required to run south to Old Cheney from the point of intersection with the pedestrian walk running between lots 1 & 2.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.

**SUSAN JOHNSON
6801 Hickory Crest Road
Lincoln, Nebraska 68516
402/423-1792**

August 20, 2002

Planning Department
City of Lincoln
555 South 10th Street
Lincoln, Nebraska 68508

Re: Application for Waiver
Proposal to delete sidewalk requirements on Lots 1 and 2, Hickory Crest 4th Addition, along 70th Street, and to delete pedestrian walk on Lot 1 (between lots 1 and 2) on Kings Court to 70th Street in Hickory Crest 4th Addition.

Proposal submitted by:

Susan J. Johnson, developer of Hickory Crest 4th Addition

Thomas A. Jackman, owner of Lot 1, Hickory Crest 4th Addition

Timothy and Marsha Artz, owners of Lot 2, Hickory Crest 4th Addition

My husband and I developed land at 70th and Old Cheney Road into four lots, which development is known as Hickory Crest 4th Addition. The final plat requires a sidewalk along the west side of 70th Street, extending the lengths of lots 1 and 2. Additionally, it requires a pedestrian walk from the cul-de-sac on King's Court to the sidewalk on 70th Street, which pedestrian walk would run along the south boundary of lot 1.

As the developer of this subdivision (my husband died in November, 2001), I am seeking a waiver of the requirements to construct the sidewalk along 70th Street and the pedestrian walk leading to it.

Reasons supporting the waiver of sidewalk requirement along 70th Street:

- There is no other sidewalk along the west side of 70th Street from Old Cheney Road to Antler Drive. From Antler Drive south to Old Cheney, there is no sidewalk along the west side of 70th Street. [See Exhibit 1]

- If this sidewalk is constructed, it will run into a retaining wall abutting the properties in Hickory Crest 1st Addition.
- Pedestrians could not proceed further north safely at the point of that retaining wall because ornamental grasses and flowers are planted between the retaining wall and 70th Street, leaving no safe place for pedestrians to walk.
- Pedestrians proceeding north to that retaining wall could not cross 70th Street safely (to reach the sidewalk on the other side of the street) because there is no traffic control signal until you proceed north of Antler Drive (between Antler and Glynoaks).

Photographs in Exhibit 2 illustrate the difficulty pedestrians would have in proceeding on foot north of the presently-required sidewalk.

- Given that the presently-required sidewalk would lead nowhere and, in fact, would leave pedestrians in greater peril than safety, it should not be required.

Reasons supporting waiver of the requirement for pedestrian walk from the cul-de-sac in Hickory Crest 4th Addition to 70th Street:

- If the requirement for a sidewalk along the west side of 70th Street is waived as requested here, there is no reason to require pedestrian egress from the cul-de-sac to 70th Street.
- I was informed at one point that there is a policy that every cul-de-sac abutting an arterial must provide pedestrian egress to that arterial. But no other cul-de-sac abutting 70th Street, between Antler Drive and Old Cheney Road has a sidewalk providing egress from the cul-de-sac to 70th Street. Specifically, there are 5 public cul-de-sacs abutting 70th Street between Antler Drive and Old Cheney Road:

- Berrywood Court: west of 70th Street
- Tanglewood Place: west of 70th Street
- Sinclair Court: east of 70th Street
- Bradock Court: east of 70th Street
- Humann Court: east of 70th Street

None of these has a sidewalk or other pedestrian walk for egress to 70th Street.

- Additionally, there are two cul-de-sacs that abut Old Cheney Road in our immediate vicinity. Neither of these has a sidewalk for egress:
 - Jack Pine Court
 - Culwells Court
- There is no public cul-de sac abutting either 70th Street or Old Cheney Road in our vicinity that provides a sidewalk for egress from the cul-de-sac to the abutting arterial street.
- Since none of these other seven public cul-de-sacs has a sidewalk for egress, it is unfair to require one from the Hickory Crest 4th Addition cul-de-sac.

In sum,

- The sidewalk requirement along the west side of 70th Street abutting Hickory Crest 4th Addition should be waived because that sidewalk would not connect to any other pedestrian walkway; it would create a hazardous and unsafe route for pedestrians who were thus invited and attempted to proceed north along 70th Street among ornamental plantings or on the outside of them within just a foot or two of 70th Street; and it would leave pedestrians with no alternative except to proceed through or to the side of the ornamentation, retrace their steps back to Old Cheney Road, or cross 70th Street at a point where there is no traffic control device to protect their crossing.
- The pedestrian walk requirement from the cul-de-sac in King's Court to 70th Street should be waived because that walk would not lead to a sidewalk if the sidewalk requirement discussed above is waived; and because no other cul-de-sac in the vicinity has a pedestrian walk such as required here.

Thank you for your consideration of this application for waiver of requirements for construction of sidewalks. I understand a public hearing before the Planning Commission will be required. Please let me know the time and place of that hearing.

Very truly yours,



Susan J. Johnson

The undersigned are owners of Lots 1 and 2 in Hickory Crest 4th Addition and hereby give permission to Susan J. Johnson, as developer of Hickory Crest 4th Addition, to file and pursue a waiver for requirement of construction of sidewalk along the west side of 70th Street abutting our properties, and for waiver for requirement of construction of pedestrian walk on Lot 1 (between Lots 1 and 2) from King's Court to 70th Street



Thomas A. Jackman, 6936 King's Court, Lincoln, Nebraska
Owner of Lot 1, Hickory Crest 4th Addition



Timothy J. Artz, 7121 So. 33, Lincoln, Nebraska
Owner of Lot 2, Hickory Crest 4th Addition



Marsha E. Artz, 7121 So. 33, Lincoln, Nebraska
Owner of Lot 2, Hickory Crest 4th Addition

Dated this 20th day of August, 2002



Area abutting
Lots 1 & 2,
Hickory Crest 4th
on 70th Street



Retaining wall
north of Hickory
Crest 4th on 70th
Street



Retaining wall and no pedestrian walkway north of Hickory Crest 4th Addition
and continuing north on 70th Street to Antler Drive

